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College presidents have traditionally been burdened with pressures from alumni, trustees, faculty, students, politicians. However, mounting pressure from the New Left has made the role of the college president a hazard to health of body, mind and reputation. The goals of the New Left are first to disrupt and then to destroy our system of higher education and our representative form of government. These, however, are not the goals of the majority of students. Organizations such as Students for a Democratic Society simply escalate demands as concessions are made, but legitimate student grievances should be listened to and channeled to the administration. Increasing faculty power should be accompanied by an equal sense of responsibility. Academic freedom should not mean license without limits, protected by an unchallenged system of tenure. The basic academic freedoms of expressing divergent views, protesting injustice, and promoting social change will be frustrated if current trends toward license, discord, even anarchy on campus and in the streets are not checked. The sooner New Leftists and their faculty allied are expelled, the sooner our campuses will resume their historic roles as centers of reason and intellectual pursuit. It must be evident that none of the grave problems of our time can be solved unless we first preserve an ordered society in which law is again respected and due process observed. (CS)

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American Association of State
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Washington, D. C.
November 11, 1968
Lewis F. Powell, Jr.

A STRATEGY FOR CAMPUS PEACE

There always has been a sort of "open season" on college presidents. You have long been the target of the traditional pressures - from alumni, trustees, faculty, students and politicians. The college president also has been a man of distinction - an educator, a respected citizen and intellectual leader. This respected role in our society, together with the satisfactions of educating the young, have made these traditional pressures endurable.

But in recent years new and disquieting pressures have arisen. The combination of the new and old have imposed unprecedented burdens upon the office of college president. It is today no less an honor to preside over an institution of higher learning, but it now has become an occupation hazardous to health of body and mind, as well as to reputation.

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Resignations by college presidents are increasing, and the task of filling the vacancies is incomparably more difficult. I am told that more than 100 respected colleges across the land are seeking chief executives.

In interviews recently published several nationally known presidents stated quite frankly that the satisfactions they had found in intellectual leadership were outweighed by the agonies of the office.

UCLA's Franklin Murphy commented that "you have to be sadistic to ask a man to stay on more than 10 years". Dr. Starr, upon resigning at Indiana - referred to the "bigots and the zealots" now seeking footholds on the campus. These are, he said:

"The groups that are determined to destroy (you) and the university. They don't want solutions, just confrontations."*

Even the wives of college presidents - noted for their patience and long sufferance - are beginning to speak out. Mrs. Henry King Stanford, wife of Miami's president,

*Time, Sept. 27, 1968, pp. 55, 56.

commented that the only people who should be university presidents are the "friendless, the orphaned and bachelors."

Now before you feel too sorry for yourselves let me sound a more positive note. As one who has been close to education for many years, I still view it as perhaps the greatest professional calling. There is little hope for the future of this troubled world unless the educational process is in the hands of wise, dedicated and responsible men. I am here today because of this conviction, and - in deep sincerity - I commend each of you for your willingness to assume educational responsibility in this time of crisis.

My invitation to address you came last May, at the peak of the anarchy at Columbia. Your President suggested that I talk about the New Left on the campus - particularly from the viewpoint of a lawyer who has served also as a college trustee.

Prior to the SDS led assault on Columbia, and despite the clear warnings from Berkeley and other besieged campuses, there had been a tendency to underestimate the

militancy of the New Left. It had been fashionable to be tolerant, to temporize with sit-ins and lawless demonstrations and to grant amnesty even to the most disorderly. Much of the "liberal" establishment applauded the self-proclaimed idealism of New Leftist leaders, and ridiculed those who voiced concern.

The shock of Columbia may have had a therapeutic effect. Not only was a great university brought to its knees; but the conduct of the radical students - the vandalizing of furniture, the rifling of Dr. Kirk's personal files, the burning of manuscripts, and the personal filth and obscenity of the rebels - all of this profoundly shocked decent people across our country.

But the New Left was neither dismayed nor deterred by the public reaction to Columbia. As revolutionaries, the New Leftists are as contemptuous of public opinion as they are of what they call the Establishment. Mark Rudd, the SDS leader, has publicly boasted of its goal "to create many

more Columbias" - following the strategy advocated by Che Guevara.*

A school was conducted in New York last summer, called the Liberation School, for the training of young radicals in revolutionary strategy and tactics on the campus. A reporter who infiltrated the school wrote that the students - totaling perhaps 500 persons - were taught a curriculum ranging from karate to the thoughts of Mao Tse-tung.**

The goals of the New Left are first to disrupt and then to destroy our most cherished democratic institutions - our system of higher education and our representative form of government. As stated in an article in the New Republic "(the New Left's) purpose is to destroy the institutions of the American establishment."***

*Richmond News-Leader, June 22, 1968.

**The National Observer, July 22, 1968, article by John Peterson.

***Washington Post editorial, May 14, 1968, quoting article in New Republic.

J. Edgar Hoover, whose FBI is responsible for the internal security of our country, has warned that "revolutionary terrorism" on the campus "is a serious threat both to the academic community and to a lawful and orderly society." Mr. Hoover stated that the New Left, led by SDS, "plans to launch a widespread attack on educational institutions" - an attack which could bring "revolutionary terror" to the college campus.* The strategic plan of the New Left, according to FBI investigation, is:

"To smash first our educational structure, then our economic system, and finally our government itself."**

The Washington Post, not always in accord with Mr. Hoover, and rarely alarmist in its editorial policy, has also warned:

*New York Times, Sept. 1, 1968.

**FBI Law Enforcement Bulletin, Sept. 1968 issue; New York Times, Sept. 1, 1968.

"The (New Leftists) . . . regard the universities as the soft spot in a society they are trying to bring down. . . . The rebels are out of touch with and do not understand the principles of democracy. . . . The language they talk is that of anarchy. . . . They are totally at war with everything this country has ever stood for."*

What is the New Left? There is no single, monolithic organization as such. The term is loosely used to include a conglomeration of organizations, groups and individuals. The most radical organizations include Students for Democratic Society (SDS), W.E.B. DuBois Clubs, Young Socialist Alliance, Socialist Workers Party, Student Nonviolent Coordinating Committee (SNCC) and Progressive Labor Party.** Militant Negro groups, such as the Black Panthers, often cooperate.

Although many of the organizations are Communist oriented or supported, the dominant philosophy of the New Left is nihilistic - proposing no coherent system of social, political or educational institutions to replace the system the New Left seeks to destroy.

*Washington Post, May 14, 1968. A student publication at the University of California, The Berkeley Barb, states the New Leftist view as follows: "The universities cannot be reformed; they must be abandoned or closed down. They should be used as bases for action against society, but never taken seriously." New York Times Magazine Section, May 18, 1968, p. 104.

**Gene E. Bradley, What Businessmen Need to Know about the Student Left, Harvard Business Review, Sept.-Oct. 1968, p. 54.

The principal threat to campus peace comes from the defiant SDS organization. Founded in 1962, it now claims 250 chapters and a membership of 35,000. Its inner circle of hard core revolutionaries may not exceed 1,000.

But the capabilities of SDS cannot be related to its numbers. It has been estimated that its activist leaders have a capacity "to mobilize between 100,000 and 300,000 students, depending on the issue."* SDS not only sets the pace for other New Left organizations; it often attracts thousands of nonrevolutionary students who, motivated by naive idealism and taken in by the slogans, could become - quite unwittingly - the shock troops of revolution.

We have seen this at Columbia where sympathizing students far outnumbered the New Leftists. We have seen it more recently in the Chicago confrontation between the police and the thousands of young people who attempted to disrupt the Democratic convention.

*Bradley, supra p. 54.

This audience knows - far better than most - that the greatest care must be exercised to distinguish between the revolutionaries and the vast majority of students and faculty members who - like society in general - are really the victims of the New Leftists.

It would also be folly not to recognize that students often do have legitimate grievances, especially on the larger campuses. The Cox Commission, reporting on the Columbia revolt, was as critical of the administration, trustees and faculty as it was of the students and the police. The Commission found that conditions at Columbia were almost as bad as the students had claimed.*

It is this combination of valid grievances, plus the widespread disenchantment and alienation of the young,** that *New York Times, Oct. 13, 1968 (The Week in Review E3).

**There can be no doubt that such disenchantment and alienation do exist among millions of fine young people. The identification and amelioration of the causes of these attitudes profoundly concern thoughtful college administrators.

produces an environment quite hospitable to ferment. The problem, thus, is by no means confined to the New Left. Rather, it is what a few determined leftists can do to inflame and mislead other students - especially where responsible student opinion is ignored, communications are poor, ground rules are ill defined,* and policy is vacillating and irresolute.

* * * * *

I will now talk briefly about three areas of special sensitivity: (i) participation in decision making; (ii) the role of faculties; and (iii) academic freedom. Each of these poses difficult questions to which there are no easy or unequivocal answers.

The demand for student participation in decision making ranges all the way from membership on boards of trustees to selection of presidents and faculty and determination of

*The importance of clearly defined rules and regulations, with the penalties for infraction, can hardly be over-emphasized. This is especially true as to the difference between legitimate and wholesome exercise of free speech and peaceful assembly, as contrasted with unlawful conduct which will not be tolerated. For helpful guidelines in the drafting of regulations, see Freedom and Order on Campus, an unpublished memorandum of the American Council of Education; and Van Alstyne, The Judicial Trend Toward Student Academic Freedom, 20 U. Fla.L. Rev. 290, 298 (1968).

curriculum. If the full sweep of this demand were met, the present structure of higher education in America would be dismantled and replaced by the type of student power found in many Latin American universities. You may have seen the recent article on San Marcos, Peru's largest university, where the history department was simply closed down. Students, controlling one-third of the university's governing board, actually dominate decision making by methods of raw coercion.*

No responsible college administrator or board of trustees can accede to this type of demand. The student body is necessarily transitory, changing from year to year. Nor does the wisdom of student leaders always match their own conviction of infallibility. For these obvious reasons, the role and responsibility of students can never equate that of faculty, administration or trustees.

Yet student views are entitled to be voiced and seriously considered; appropriate channels must be devised to

*Bowen Northrup, staff reporter of the Wall Street Journal, article on "Campus Politics" at San Marcos, Vol. CLXXII, No. 67, October 1968.

accomplish this; and a far greater effort made to make these channels meaningful. The wise administrator will work these out, with faculty and student participation, in advance of campus trouble. All of this must have substance, and reflect a genuine desire to reach accommodation with responsible student views.

But it must ever be remembered that no such program - however reasonable - will mollify the radicals. Their objective is revolution; not reform. The experience at Columbia demonstrates

that SDS simply escalates its demands as concessions are made.* The hope must be, not to placate the radicals, but to build a broad base of support among students in the main stream of campus life.

Another frequently voiced grievance relates to the faculty - often a justified cause for dissatisfaction. You may have seen the recent essay by John Fischer, published in Harper's.** He thinks the primary cause of student unrest is faculty failure rather than agitation by New Leftists, the malaise of the Vietnam war, or disillusionment with our "materialistic society". This audience may be surprised - perhaps even pleased - to know that Mr. Fischer blames the faculties far more than the administrators. He cited Irvin Kristol for the view that in most universities "liberal education is extinct"; that many faculty members have become a new privileged class - more concerned with their own

*New York Times, Sept. 22, 1968 (article by John Kifner).

**John Fischer, "The Case for the Rebellious Students and their Counter-revolution", Harper's, Aug. 1968.

income, influence and careers than with teaching and counseling their students.*

Mr. Fischer has probably overstated and oversimplified his case. Yet there can be little doubt that he has identified one of the most intractable problem areas - especially in the large university.

Dr. John A. Logan, Jr., President of Hollins College, has voiced a somewhat similar view:

"Few laymen and even fewer students fully appreciate the power exercised by faculties today in a great university. They are in effective control of the curriculum, of faculty appointments and promotions, the requirements for earned degrees, admission standards, grading systems and academic rules and regulations, all conditions affecting academic freedom and tenure, and much of the planning and design of academic buildings. Student resentment against trustees and administrations is often misdirected, since much of the unrest is a

*In contrasting the relative shift of power from the university administration to its faculty, Mr. Fischer states: "Students are inclined to attack the administration because the ostensible authority seems to rest with the president and the trustees. Few undergraduates yet realize how much of the administration's former power has now shifted into the hands of the faculty."

protest, conscious or unconscious, against unfulfilled expectations about college teaching. To the extent that the faculty has downgraded the teaching function in favor of research and has become overspecialized, they have neglected their essential function in undergraduate education, which is to illuminate the good life by precept and example, to communicate sympathetically to their students a sense of purpose, and their own values and intellectual discipline."*

On certain campuses, when discord has threatened to weaken if not destroy the institution, the mounting faculty power has not been accompanied by an equal sense of responsibility. Indeed, support of the New Left by faculty members has not been insignificant, with far too many condoning or encouraging student disorders and civil disobedience.

Erwin N. Griswold, Solicitor General of the United States and former Dean of Harvard Law School, spoke recently of the violence at Columbia and its toleration by so many faculty members. Dean Griswold expressed my own deeply-held views when he said:

* Commencement address, Medical College of Virginia, June 1, 1968.

"The only persons for whom I have more contempt than for the student groups (which created the discord) are the faculty members who lent support to them."*

The problem is to stimulate faculty responsibility commensurate with its now awesome power. This problem is complicated by two of the most "untouchable" concepts in American life - academic freedom and academic tenure. Because both concepts are sound in principle - and are defended blindly and ferociously - few are bold enough to raise even the most restrained voice of analysis or doubt.

It seems to me the time has come for persons concerned with American education to understand that neither concept is so sacrosanct as to be above rational criticism.

I will cite three examples to illustrate the extremism which is often cloaked as academic freedom. Yale belatedly mustered the courage not to re-employ Prof. Staughton Lynd, after his unlawful trip to Hanoi and his heavy involvement with the New Left. More recently, New York University

*Erwin N. Griswold, Address before Virginia State Bar Association, July 6, 1968.

dismissed radical Prof. John F. Hatchett, after he had attacked Jewish teachers and publicly characterized Vice President Humphrey and Mr. Nixon as "racist bastards".*

The Berkeley campus is again in ferment over the case of Eldridge Cleaver, a convicted felon, a black racist, and a leader of the militant Black Panther Party. With approval of an irresponsible faculty committee, Cleaver was invited to give a series of 10 lectures on racism. The California Board of Regents, in a stormy session and by a divided vote, overruled the faculty committee - limiting Cleaver to one lecture for credit. The faculty, supinely bowing to student demands, then approved 10 Cleaver lectures without credit. This has resulted in sit-ins, obscenities and disorders.**

In these, and like cases, the cry of academic freedom is predictably always raised. Hatchett charged NYU with violating "every principle of academic freedom". Students

*New York Times, Oct. 13, 1968; Chicago Sun-Times, Oct. 12, 1968.

**New York Times, Oct. 24, 1968.

and some faculty members at Berkeley have accused the Regents of making a decision in the Cleaver case "essentially racist in character and in violation of academic freedom."*

The question in simplest terms is whether responsible educators will continue to allow "academic freedom" to be used as a cover for extremism on the campus, however violent or irrational? In reality what is called "academic freedom" often approaches license without limit. Where tenure exists, it is virtually impossible to exercise restraint of any kind on such license beyond that vaguely, and often ineffectually, imposed by the mores of a particular campus.

As a lawyer, I subscribe wholeheartedly to the basic freedoms embodied in the concept of academic freedom. No one devoted to the educational process could entertain a different view. But the very existence of this freedom - virtually unrestrainable - imposes a higher degree of responsibility than that often manifested on our campuses.

*Washington Post, Oct. 13, 1968. .

The quality of education depends upon the wise exercise of value judgments, especially in the selection, retention and promotion of those who teach. One may doubt that a Black Panther leader, a convicted felon, is qualified to bring anything worthwhile to the campus. If it is said that he knows much about racial hatred, it can also be said that a Mafia leader knows much about vice and extortion, and that the Grand Dragon of the Klan knows much about bigotry.

Should the faculties of our great universities, dedicated to ideals of high scholarship and the search for truth, be demeaned by conspiring extremists who would defile and destroy the very freedoms they invoke? Are our campuses to become Hyde Parks and Times Squares, where a soap box is provided for every huckster?*

*A distinction should be drawn between faculty membership as a professor or lecturer, and the casual visiting speaker. A broad spectrum of dissident views can be brought to a campus without conferring on an extremist the accolade of "faculty member" or "lecturer". But some value judgments should be exercised even as to the casual campus speaker.

The time has come for responsible educators to be far more discriminating in the selection of professors and lecturers, and especially in the granting of tenure. The important qualifications of a professor - possessed, I am sure, by a great majority of this privileged profession - are still the ancient ones of honor, integrity, scholarship, intellectual independence, responsibility and a genuine desire to teach.* The extremist who scorns these qualifications, whether he be of the right or the left, has no proper place on the faculty or - indeed - in the student body of an institution of learning.

* * * * *

There is, among all of us genuinely concerned with education, a broad consensus as to traditional campus liberalism: Our colleges and universities must ever be preserved as citadels of free inquiry. They must always foster and encourage -

, of Washington & Lee U.,
 *As President Robert E. R. Huntley, put it in his inaugural address (Oct. 18, 1968): "There is no higher goal to which a scholar can aspire than to be a vital teacher of young men."

and never suppress - the freedom of both faculty and students to express divergent views, to protest injustice, and to promote social change in which they believe.

Yet this high purpose of the university surely will be frustrated if current trends toward license, discord and even anarchy on the campus are not checked. Reversing these trends will require the highest level of courage and statesmanship from college administrators, faculties and trustees. There must be a revitalizing of discipline, honor and intellectual integrity on the campus, just as such a need exists so urgently for society in general.

The line must be drawn - sharply and resolutely - between those willing to observe traditional methods of peaceful assembly, rational discussion and orderly procedures, and those who inspire and lead the sit-ins, the lawless demonstrations, and other forms of coercion. The latter are usually the New Leftists on the campus and their followers. Like their heroes Che Guevara, Fidel Castro and Ho Chi Minh, the only language

they understand is force. Such student extremists, and the faculty members who support them in their lawlessness, have forfeited any right to remain as members of a university community. The sooner they are expelled from student bodies and dismissed from faculties, the sooner our campuses will resume their historic roles as centers of reason and intellectual pursuit.*

* * * * *

Now a concluding word: It is important to understand that there is a close relationship between the discord on the campus and lawlessness in the streets. There is abroad in this country an escalating unrest which has led to unprecedented crime, civil disobedience and disrespect for law

*But it must be remembered that students, however obnoxious, cannot be suspended or expelled without cause. Accused students are also properly entitled to due process. See Van Alstyne, supra p. 295-96; see also Comment, Private Government on the Campus - Judicial Review of University Expulsions, 72 Yale L.J. 1362 (1963); Esteban v. Central Missouri State College, 277 F. Supp. 649 (1967); Jones v. State Board of Education, 279 F. Supp. 190 (1968); Hammond v. So. Carolina State College, 272 F. Supp. 947 (1967); Goldberg v. Regents of U. of Calif., 57 Cal. Repts. 463 (1967).

and due process. As others have noted, we are also witnessing a pervasive permissiveness - on the campus, in the churches, the homes and in our political institutions. Ancient standards of morality, decency and good taste have crumbled; concepts of duty, patriotism and responsibility are often subordinated. Even the most respected values of western civilization are under virulent attack.

The causes of this disintegration and disarray are complex and deep seated. Some are related to the pressing needs in this country and world-wide. No thoughtful person would minimize the seriousness of these needs - for improved job and educational opportunities for all, for equal justice, for more effective means of participation in the democratic process, and - perhaps above all - for assurance of peace in the nuclear age.

But it must be evident that none of the grave problems of our time can be solved unless we first preserve an ordered society in which law is again respected and due process

observed. This is as true on the college campus as it is in society in general. This, it seems to me, is the first and overriding duty of all of us privileged to share some responsibility for higher education in this country.